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the importation and sale, without violating the Constitution. *Hinson v. Lott*, 8 Wall U. S. 148; *License Cases*, 5 How U. S. 504. A license is for the purpose of control, supervision, or regulation of some act or thing, and not for revenue, for in such a case it is a tax. *Ash v. People*, 11 Mich. 347. *In re Wan Yin*, 22 Fed. Rep. 710. In the present case there was no evidence in the record that any provisions were made for the supervision, control, or regulation of such breweries, depots, or agencies. Therefore this assessment was a tax for revenue, outside the police powers of the state, and contrary to the interstate commerce clause of the constitution.

JUDGMENT AGAINST DECEDENT—IMPEACHMENT—ACTION BY HEIR—KAYES ET AL. V. VICKERY ET AL., 59 Pac. 628 (Kan.). *Held*, that at common law a judgment against a dead person is absolutely void and may be collaterally impeached by the heirs. Nor does it make any difference that service may have been obtained or the suit commenced before the death of the defendant.

There seems to be a wide diversity of opinion by the courts on this question. In the greater number of cases the rule appears to be that a judgment of the court rendered when one of the original parties was dead is voidable only, and can not be collaterally impeached, *Knott v. Taylor*, 99 N. Car. 511. In the case under discussion, the court confesses that its judgment was rendered "upon what appeared to be the reason and principle of the question and less upon the authority of the adjudged cases." There is, however, no lack of authority for this view, since in a number of states it has been held that a judgment against a decedent is absolutely void. *Life Association v. Fassett*, 120 Ill. 315.

LARCENY—GREEN GOODS—PEOPLE V. LIVINGSTONE, 62 N. Y. Supp. 9.—Prosecutor gave \$500, with the expectation of receiving \$3,000 counterfeit money. *Held*, if prosecutor parts with his property for an unlawful purpose, no prosecution for false pretenses can be sustained. *McCord v. People*, 46 N. Y. 470.

The court regrets that the defendant must be given a new trial and suggests that the Legislature alter the rule in *McCord v. People*, supra. There is a provision in the Penal Code for the punishment of "green goods" offenders, but prosecution under it is difficult owing to its technicalities.

LIFE INSURANCE—CONSTITUTIONAL LAW—VALIDITY OF STATUTE AFFECTING BUSINESS OF LIFE INSURANCE—MERCHANTS' LIFE ASS'N V. YOAKUM, 98 Fed. 251.—A statute in Texas allows a policy holder in a life insurance company to recover the amount of his policy and 12% interest thereon, if the policy be not paid by the company within specified time after demand made. *Held*, this statute is valid and not in violation of the 14th Amendment.

The purpose of this statute is not to compel Life Insurance Companies to pay their debts, but to secure a proper degree of care on their part in writing policies. That the enactment of such a statute is but the valid exercise of the legislative power seems most reasonable. Foreign Insurance Companies, as between insurer and insured, are by far the stronger, and this statute is manifestly for the protection of the weaker. It is not an arbitrary classification, nor is it discriminative, but, in its application to all such companies, seeks only to subserve the public interests. *Railway Co. v. Matthews*, 165 U. S. 1; *Casualty Co. v. Alibone*, 90 Tex. 660, 40 S. W. 339, decide the validity of similar statutes and are in accord with the present decision.

MALICIOUS PROSECUTION—DAMAGES—PLEADING—EVIDENCE—EVINS V. METROPOLITAN ST. RY. CO., 62 N. Y. Sup. 495.—In an action for malicious prosecution and false imprisonment the complainant failed to allege any special damages to his business as a lawyer. *Held*, that it was error to admit evidence of the plaintiff's loss of business subsequent to the arrest. Goodrich, P. J., dissented.

Some courts hold that allegations of special damage must be made in the pleadings, especially where the earning power is extraordinary. *Baldwin v.*